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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

SUSANNE STONE MARSHALL; ADELE FOX;
MARSHA PESHKIN; RUSSELL OASIS

Plaintiffs,

v.

CAPITAL GROWTH COMPANY; DECISIONS, INC.;
FAVORITE FUNDS; JA PRIMARY LIMITED
PARTNERSHIP; JA SPECIAL LIMITED
PARTNERSHIP; JAB PARTNERSHIP; JEMW
PARTNERSHIP; JF PARTNERSHIP; JFM
INVESTMENT COMPANIES; JLN PARTNERSHIP;
JMP LIMITED PARTNERSHIP; JEFFRY M. PICOWER
SPECIAL COMPANY; JEFFRY M. PICOWER, P.C.;
THE PICOWER FOUNDATION; THE PICOWER
INSTITUTE OF MEDICAL RESEARCH; THE TRUST
F/B/O GABRIELLE H. PICOWER; BARBARA
PICOWER, individually, and as Executor of the Estate of
Jeffry M. Picower, and as Trustee for the Picower
Foundation and for the Trust f/b/o Gabrielle H. Picower;
and IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 15-01293 (SMB)

**AFFIDAVIT OF
VINEET SEHGAL IN
OPPOSITION TO FOX
PLAINTIFFS' MOTION FOR
DECLARATORY JUDGMENT**

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss:

VINEET SEHGAL, being duly sworn, deposes and says:

1. I am a Managing Director of AlixPartners LLP, consultant to, and claims agent for, Defendant Irving H. Picard (the “Trustee”), trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*lll* (“SIPA”), and the substantively consolidated Estate of Bernard L. Madoff (“Madoff”), individually.

2. I make this affidavit to transmit to this Court true and correct copies of documents and provide information in connection with the Trustee's Opposition to the Fox Plaintiffs' Motion for Declaratory Judgment.

3. Susanne Stone Marshall filed customer claim 000402 regarding her BLMIS account 1ZB417. After she executed an assignment and release, she received a payment from the Trustee in the full amount of her allowed claim with funds advanced by SIPC. Marshall did not file an objection to the Trustee's determination of her claim within the 30-day period prescribed by the Claims Procedure Order.¹

4. Adele Fox filed claims for two of the seven BLMIS accounts with which she is associated (claims 002269 and 002270), both of which were denied because she was a “net winner” (meaning she withdrew more than she invested). She also filed claim 001609 on behalf of the Fox Family Partnership, which was denied on the ground that the Fox Family Partnership did not have a BLMIS account. Fox filed objections to these determinations (ECF Nos. 1681, 2354, 3498), resolution of which is still pending.

¹ Order, *Sec. Inv. Protection Corp v. Bernard L. Madoff Inv. Sec. LLC*, Adv. Pro. No. 08-01789 (Bankr. S.D.N.Y. Dec. 23, 2008).

5. Marsha Peshkin filed two customer claims (claims 002627 and 002628) and one general creditor claim (claim 100379). After she executed an assignment and release, claim 002628 was allowed by the Trustee. Peshkin's other claims were denied, and Peshkin filed objections to the determinations (ECF Nos. 1040, 439), resolution of which is still pending.

6. Russell Oasis did not file a customer claim.

7. True and correct copies of the following documents are attached:²

Exhibit A: Customer Claim No. 002269, submitted February 13, 2009 (Adele Fox)

Exhibit B: Notice of Determination of Claim No. 002269, issued December 9, 2010 (Adele Fox)

Exhibit C: Objection to Trustee's Determination of Claim filed by Helen Davis Chaitman on behalf of Adele Fox, Adv. Pro. No. 08-1789 (Bankr. S.D.N.Y.), filed December 15, 2010 (ECF No. 3498)

Exhibit D: Customer Claim No. 002270, submitted February 13, 2009 (Adele Fox)

Exhibit E: Notice of Determination of Claim No. 002270, issued May 21, 2010 (Adele Fox)

Exhibit F: Objection to Trustee's Determination of Claim filed by Helen Davis Chaitman on behalf of Adele Fox, Adv. Pro. No. 08-1789 (Bankr. S.D.N.Y.), filed June 2, 2010 (ECF No. 2354)

Exhibit G: Customer Claim No. 005319, submitted March 3, 2009 (Adele Fox)

Exhibit H: Notice of Determination of Claim No. 005319, issued December 8, 2009 (Adele Fox)

Exhibit I: Objection to Trustee's Determination of Claim filed by Helen Davis Chaitman on behalf of, *inter alia*, Fox Family Partnership, Adv. Pro. No. 08-1789 (Bankr. S.D.N.Y.), filed January 11, 2010 (ECF No. 1681)

² Certain information in the below-described claim forms has been redacted from the copies attached here to protect potentially confidential information in accordance with the Court's Protective Order entered on June 6, 2011, as amended on September 17, 2013. (Adv. Pro. No. 08-01789, ECF Nos. 4137, 5474.) Further, exhibits to this affidavit reflecting filed claims do not include the supporting material originally filed with the claims.

Exhibit J: Customer Claim No. 000402, submitted January 14, 2009
(Susanne Stone Marshall)

Exhibit K: Notice of Determination of Claim No. 000402, issued July 24, 2009 (Susanne Stone Marshall)

Exhibit L: Customer Claim No. 002628, submitted February 18, 2009
(Marsha Peshkin)

Exhibit M: Notice of Determination of Claim No. 002628, issued August 19, 2009 (Marsha Peshkin)

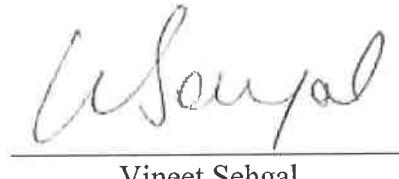
Exhibit N: Objection to Trustee's Determination of Claim filed by Marsha Peshkin, Adv. Pro. No. 08-1789 (Bankr. S.D.N.Y.), filed Sept. 17, 2009 (ECF No. 439)

Exhibit O: Customer Claim No. 002627, submitted February 18, 2009
(Marsha Peshkin)

Exhibit P: Objection to Trustee's Determination of Claim filed by Helen Davis Chaitman on behalf of Marsha Peshkin, Adv. Pro. No. 08-1789 (Bankr. S.D.N.Y.), filed December 7, 2009 (ECF No. 1040)

Exhibit Q: General creditor claim No. 100379, submitted June 30, 2009
(Marsha Peshkin)

Exhibit R: Notice of Determination of Claim Nos. 002627 and 100379, issued November 17, 2009 (Marsha Peshkin)



Vineet Sehgal

Sworn and subscribed to before me this 18th
day of December, 2015


Notary Public

SHARYN P. DOYLE
Notary Public, State of New York
No. 01DO5051953
Qualified in New York County
Commission Expires Nov. 13, 2017